

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of

ERIC R. HILDING

JUDY YEP HUGHES

For Construction Permit for a  
New FM Station on Channel 281A  
in Windsor, California

To: Honorable Richard L. Sippel  
Administrative Law Judge

) MM DOCKET NO. 93-95

) File No. BPH-911115MR

) File No. BPH-911115MT

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OPPOSITION TO CROSS MOTION FOR SUMMARY DECISION

Eric R. Hilding herein submits his Opposition To Cross  
Motion For Summary Decision in the above-captioned matter.

Under penalty of perjury, Eric R. Hilding declares that  
the relevant verifiable facts previously declared in his own  
Standardized Integration Statement as defined by the Presiding

Assuming that the declarations of Judy Yep Hughes are in fact accurate and truthful, as a matter of law only Hilding does not object to the factual evidence as presented. 2/

Hilding does, however, disagree with the intentions and what he believes to be quite serious shortcomings contained in the Policy Statement on Comparative Broadcast Hearings, many of which have already been expressed in this proceeding. 3/

Accordingly, Hilding incorporates herein what shall be considered to be Proffered Evidence related to the proceeding in the form of two alternative outcomes, both of which would have resulted in Hilding receiving the Construction Permit for a new FM station at Windsor, California.

1. Beginning in 1984, Hilding has filed documentation with the Commission which proposed a "First Right To File" for any Channel Petitioner (Finder) responsible for the allocation of a new FM or TV broadcast channel for the public interest, convenience and necessity. Factually, and as recognized by

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2/ Assumption being that the bona fides of Mrs. Hughes which allege her to be a "sole" applicant are indeed truthful, and that she is not simply a minority front or co-conspirator with her husband Gary Hughes, nor a front for any other undisclosed parties of any nature, including, but not limited to, any other broadcast station owners, employees, and/or family members, acquaintances, business affiliates or the likes either from the local Windsor/Healdsburg/Santa Rosa service area, or any other community to include any located in proximity to U.S. Route 5.

3/ Hilding's understanding of the opportunity afforded to include his Proffered Evidence herein is that the majority of emphasis shall be upon the factual considerations involved.

the Commission in a related Memorandum Opinion and Order, such a method and procedure would provide for an expediting of new broadcast service to the public. Under such a fair and very equitable system also designed to promote ongoing research and development related to National productivity issues, as the party responsible for allotment of the new FM radio channel at Windsor, Hilding would deservedly be recipient of the new Construction Permit in this matter involving Windsor, CA. 4/

2. Pursuant to the proposals advanced by Hilding in this proceeding with regard to delays in re-examination, amendment and modification of the Comparative Hearing Policy Statement, Hilding offers evidence based upon modified criteria. The amended criteria would provide for deletion of: 5/

X. "Minority"-Preference	No Longer Applicable
Y. Local-Residence/Service-Area	No Longer Applicable
Z. Civic-Involvement-in-the Community-or-Service-Area	No Longer Applicable

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4/ For any small businessperson, legal and hearing expenses would have been eliminated. The new FM broadcast service could have been operationally serving the public and brand new employment opportunities created prior to the date on which simply the Hearing Designation Order was issued (April 8, 1993). Such a process would have also provided for an appropriate "incentive" and reward to any American willing to expend their time and financial resources to develop a new broadcast service. It would eliminate any type of factual (or perceived) ethnic or racial or gender discrimination. It would afford any fledgling entrepreneur the opportunity to expedite related development of additional job opportunities and contribute to the economic needs of the Nation. Such a system would help America.

5/ Deletion would also eliminate any real (or perceived) bias or discriminations of any kind, as well as any "unequal" footing preferences based upon non-productive "passivity" instead of merit awards for productive "action" contribution to society.

## AMENDED COMPARATIVE FINDINGS 6/

	<u>HILDING</u>	<u>HUGHES</u>
A. Integration	100%	100%
B. Auxiliary Power	Yes	Yes
C. Civic Involvement	7/ Strong	Moderate
D. Broadcast Experience	YES	No

Hilding therefore requests that the Presiding Officer  
grant the Hilding Motion For Summary Decision as supplemented.

# **CERTIFICATE OF SERVICE**

I, Eric R. Hilding, under penalty of perjury, hereby declare that a copy of this "OPPOSITION TO CROSS MOTION FOR SUMMARY DECISION" has been sent via First Class Mail, U.S. postage prepaid, today, July 17, 1993, to the following: (\*)

Honorable Richard L. Sippel (\*\*)  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 214  
Washington, D.C. 20554

~~Vernon Caldwell~~ Council of Record (\*\*)